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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)
9 Plaintiff,) 2:05-cr-073-RLH-LRL
10 vs.) O R D E R
11 JASON TODD KINDLE,)
12 Defendant.)

Before this Court is the Report and Recommendation of United States Magistrate Judge (#40, filed January 3, 2006), entered by the Honorable Lawrence R. Leavitt, regarding Defendant's Motion to Suppress Firearm and Statements (#16). An objection (#50) was filed to Magistrate Judge Leavitt's Report and Recommendation of United States Magistrate Judge in accordance with Local rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. The Government filed a Response (#51) thereto, and the matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Leavitt should be affirmed.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommen-
2 dation (#40, entered January 3, 2006) is AFFIRMED, and Defendant's Motion to Suppress Firearm
3 and Statements (#16) is denied.

4 Dated: February 28, 2006.
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7 ROGER L. HUNT
8 U.S. District Judge
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